

Edgar Perry
2540 Market Avenue
San Pablo, CA 94806-4542
(510) 234-1392

E-filing

Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EDGAR PERRY,

Plaintiff,

vs.

STEPHANIE WALKER

AND DOES 1 THROU 100,

Defendants.

C08-00787

Case No.

COMPLAINT

FILED
FEB - 4 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

EDL

Primo-JURISDICTION: This court is empowered to hear this case by the following law's points- Property rights § 280/81, Property damage (adjoining landowners) Ambass § 23/8

- Repairable injury to property-
- costs of repairs. Am. Jur. pleading and practice forms.

- Damages § 92 and § 95
- Measure of damages for injuries to real property-original condition restorable. Am. Jur. pleadings and practice for-ms., damages § 341, § 342.

- Temporary or repairable injury to property. Damages for injury to real peoperty, § 42 Am. Jur. proof of facts 2D 247 § 4.

Secundo-VENUE: This court is appropriate as willful flooding by defendant occurred in this district (Contra Costa County)

GO 44 SEC. N
NOTICE OF ASSIGNMENT
TO MR. JUSTICE JUDGE SENT

1 Plaintiff prays the court to submit the following ques-
2 tions: Constitutionality of plaintiff to own property by right;
3 rights of family members to see, for pursue of happiness, each o-
4 ther; plaintiff and family rights to not fear for their lives;
5 right of plaintiff to come to court? (Intimidation of plaintiffs.)

6 Does rain water run backwards?

7 Defendant's property located at 5151 Hilltop Drive,
8 El Sobrante, CA. 94803, an unincorporated town in the San Francis-
9 co East Bay, is above plaintiff's property (which his children and
10 later his grandchild chose to live at after being married) at
11 5153 Hilltop Drive, El Sobrante, CA. 94803.

12 Reference to 5151 and 5153 is hereby acknowledged for
13 said addresses.

14 Does defendant has the right to willfully flood plain-
15 tiff's property for 18 (eighteen) years? (water flooding front por-
16 ch lead to extensive considerable expenses for previous and futu-
17 re replacement and repairs and plaintiff had to disburse for re-
18 verse mortgage payoff amount, as well as several more items dama-
19 ged in the property in the account of the flooding; to wit; that
20 previous ninety years old lady not being^{able} to get off her property,
21 which was flooded all around and underneath and to insist to yell
22 at this plaintiff "you have to let the water go!", that we "have
23 to share the water" (as defendant and plaintiff were to take water
24 in equal amounts from a river), because the defendant abhorred
25 the rain water in her house (vide exhibit photos numbers 6, 6A,
26 7, 8); showing two black hoses leading rain water from her roof
27 first to the upper portion of the fence (which now so called do-
28 mestic partner, as previously called husband, in contrast to what

1 the Recorder of the Contra Costa County calls her(defendant) an "
 2 unmarried woman" "sole owner of the 5151 property", A. K. Norris),
 3 blew holes by circular pressure tool to the said fence in such an
 4 exeptional loud and dementing noise to plaintiff's granddaughter
 5 asleep; then, once plaintiff blocked such flooding with an about
 6 ten feet long hey bale, two silver hoses showed up by mid see-
 7 tion of the fence(after plaintiff used five sand bags, an iron
 8 wood board and two wheels of a 1982 Pontiac T1000 on the top to
 9 stop the flooding in first place, above said fence's position in
 10 the lot)plaintiff understood that defendent(domestic partner only
 11 would follow her orders, suffice to say that when said defendant
 12 would call upon partner: "Edgar is here, go talk to him," which
 13 her partner would reply "I already talked to him" and once all
 14 three being together in the common driveway she told him such and
 15 he signaled to plaintiff by fingers gesture that she talked too
 16 much),plaintiff had no more doubts, would call upon any partner
 17 (such as A. K. Norris'sons, Michael Williams, et al, to do her
 18 unlawful wishes)would not stop her intent to willfully flood plain-
 19 tiff property; short of plaintiff to post a wall retainer higher
 20 than her house(if safe a structure and the County would allow;
 21 which is more to say than what the defendant did to request the
 22 County for construction of a slanted driveway _as the partner told
 23 plaintiff: "Do you know how much I spent to make my property free
 24 of flooding?"(Michael Williams handyman to work), because accor-
 25 ding to one of the top supervisors of the County's Public Works,
 26 255 Glacier Drive, Phone (925) 313-2000, Martinez, Ca. 94553,"she
 27 did not requeste any permit or paid any fees ever, for the last
 28 eighteen^{years}she owns the property").Vide exhibits numbers 11 and 12.

1 On December 20th. 2007, at 6:53 A. M., defendant's so ca-
2 lled domestic partner, Anthony K. Norris, just prior to move 5151
3 trash and recycle bins from inside the property to the sidewalk,
4 trespassed into plaintiff's vehicle with left side wheels on the
5 top of an iron wood board, on the top of five sand bags, and with
6 a metal bar broke the left side rear window of said vehicle; then
7 he took his pick up out of the house's garage, waited a minute with
8 the engine running in the driveway and took off. Latter the iron
9 wood board was found dropped several feet inside plaintiff's pro-
10 perty, for which anyone had to trespassse several feet inside said
11 property to drop said board, and the wet sand bags spread all o-
12 ver ear's inside(loose sand ruining interior of the ear).Incident
13 happened so fast plaintiff did not have time to report it to the
14 Sheriff's Department, but plaintiff's daughter(who stayed that
15 night at plaintiff's home with her daughter since she was very
16 seared said individual would once more molest her and, especially,
17 her infant daughter) did the report to the Sheriff's Department.

18 Thus, plaintiff prays the court to give legal notice
19 to said individual and sons(names unknown, but believed to live
20 in the town of El Sobrante, California), as well as Michael Wi-
21 lliams, of 970 Manor Road, in the same town of El Sobrante, Cali-
22 fornia 94803,with punishment according to each criminal actions.
23 If necessary plaintiff prays the court to subpoena said indivi-
24 duals to court for discovery in their actions.

25 Plaintiff has reason to believe that defendant, as in
26 previous lower courts actions, will argue this case in the basis
27 of Title VII of the 1964 Civil Rights Act of Congress and since
28 this action does not apply plaintiff requests a denial of such.

1 And in face of the death threats by mail (letter to plain-
 2 tiff's wife to kiss very much loved beings because "they are going
 3 to die", letter which plaintiff discarded for fear of wife's dis-
 4 traught when she would find it), by phone messages (in a low tone
 5 of voice) psychological harassment of daughter and granddaughter
 6 the last less than one year old and redundant to trauma, the flood-
 7 ing problem gotten so bad from the mid section of the fence (vide
 8 exhibit number 11) all across the lower lot and down by the house
 9 (and the foundation, specially) of the other neighbour's
 10 house (double jeopardy to plaintiff) started to develop a "sink
 11 hole": Exhibit number 12; exhibit number 9 notwithstanding; where-
 12 as A. K. Norris told he was being photographed by plaintiff repli-
 13 ed "I do not care", while washing the engine and body of his pick
 14 up, with the running water going down to the roots of plaintiff's
 15 lemon tree, plaintiff accepted his children decision to move out
 16 (by then his own children got so disturbed that no longer had the
 17 will to fight) and if defendant sends her agents to actually kill
 18 this plaintiff ^{he} hopes and prays this court will process defendant
 19 accordingly.

20 The first point in contention being the driveway having
 21 a deep and slant towards plaintiff's property so that water runs
 22 to plaintiff property and not inside defendant's garage; a contra-
 23 ctor who came to give defendant an estimate of repairs and gave
 24 plaintiff hope of solution to the problem and ^{when} she was told the
 25 expense to incur she told him something like "you got to be out
 26 of your cotton picken mind" and he replied "did you ever take a
 27 look at your driveway?" and she answered: "I need a second opinion".
 28 "OK, but to get rid of the problem legally you have to throw the

1 water into the sewer line".

2 Defendant's paragraph 1 of Item 3 of the Contra Costa
3 County Small Claims court number 07-1018 (where she was plaintiff)
4 states that "water flows into properties...", however exhibits
5 numbers 2 and 3 shows water not reaching continuous driveways and
6 exhibit number 3 shows water from extension rain gutter pipe at
7 the left of the house throwing water into the defendant's part of
8 the driveway, which being slanted and with a deep ditch throws the water
9 into the street side of 5153 (plaintiff's property's house)- water
10 to end up under plaintiff's house and opposite side of lot (vide
11 exhibit number 5); in the beginning domestic partner of defendant
12 told plaintiff "his" property did not have any flooding, for which
13 plaintiff submits to the court that all flooding water went to
14 his property. Then Norris let the water coming from the roof of
15 "his" house and the rain gutter thru two plastic black hoses to
16 5153's lot; Norris stole plaintiff's sand bags and placed them
17 to re-direct the water back into 5153's lot (exhibit number 6A).
18 So, plaintiff placed the construction hay bales to block it (vide
19 exhibit number 8). Then Norris extended the technique to include the
20 house lower rain gutter and deliver the water in white metallic
21 hoses to the mid section of 5153's lot and broke "his" own old
22 (about fifteen years) fence and run to Small Claims court of the
23 County (as he asked the judge of department 146 - Perry vs. Walker
24 and agents- of the same court, whereas plaintiff asked the court
25 for a Restraining Order against agents, for compensation for sala-
26 ries, when plaintiff did not ask for his appearance in said court,
27 off hours of job) RSC 07-1018, for \$5,000.00 for the old fence,
28 which had fallen exactly in the same place about five years ago.

1 Possibly because defendant's handyman friend, Michael Williams,
 2 who vandalized one of plaintiff's vehicles (vide exhibit number
 3 10), possibly was involved in death threats via mail, phone messa-
 4 ge and personally told plaintiff, coming out of 5151 Hilltop
 5 and going to his residence at 970 Manor Road (1 block down from
 6 previous location), almost bumping into plaintiff (and if plaintiff
 7 had not gotten out of his way would have been thrown down to the
 8 ground): "get out of town if you know what is good for you". De-
 9 fendant and agents were saying that plaintiff was "just an absen-
 10 tee landlord and had no business to go to 5153 Hilltop Drive",
 11 for which plaintiff was given a discourse by sergeant Smith, of the
 12 Contra Costa County Sheriff's Department, at the Palace of Justice,
 13 in Richmond, California, where plaintiff had gone to ask him for
 14 an appointment to see lieutenant Little (?) to discuss defendant's
 15 agents' actions, whereas said sergeant Smith, not only did not
 16 give plaintiff said appointment but also authoritarily told
 17 plaintiff not to go there (5153 Hilltop) to see his children and
 18 grandchild, that "renters had special rights", even after another
 19 Sheriff's deputy told him no renters were involved.


20 Other exhibits included in this complaint will tell of
 21 different aspects of the events.

22 Exhibits numbers 21 and 22 are estimates of plaintiff's
 23 property damages, to wit:

24	Engineered Soil Repairs, Inc.....	\$61,908.00
25	Cowperth Waite & Hininger (General Contractors).....	\$16,670.00
26	B. A. F. Auto Body.....	978.50
27	1982 Pontiac T1000 Repairs.....	<u>3,000.00</u>
28		<u>\$82,556.50</u>

1 Plaintiff prays the court for three times of plaintiff's
2 repairs of his property for punitive damages from defendant for
3 psychological damages for plaintiff and his family of \$247,669.50,
4 (two hundred forty seven thousand, six hundred sixty nine dollars
5 and fifty cents) to a total of \$330,226.00 (three hundred thirty
6 thousand, two hundred twenty six dollars).

7 Respectfully submitted

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9 Edgar Perry, in propria persona

10 2540 Market Avenue, phone (510) 234-1392

11 San Pablo, California 94806-4542
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MOTION TO ALLOW PLAINTIFF TO INCORPORATE CASE

Plaintiff moves to pray the court to allow him to incorporate the Small Claims Court RSC 07-1018, from the Bay Court, Superior Court of the Contra Costa County, State of California, to be heard at 100-37th. Street, Richmond, in Department 56, at or about 1:30 P. M.; the reason being that said lower court's case is in reference the intentional flood by the defendant in this case and a claim of an about 15 years fence (which broke about five years ago exactly in the same spot) and precisely where defendant in this case had one of her agents flood plaintiff's lot by the same spot said fence broke.

Respectfully submitted,



Edgar Perry, in propria persona

2540 Market Avenue, Phone (510) 234-1392

San Pablo, California 94806-4542

JS 44 (Rev. 12/07) (cand rev 1-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS EDGAR PERRY, IN P. R.		DEFENDANTS STEPHANIE L. WALKER	
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) CONTRA COSTA		County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) CONTRA COSTA NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.	
(c) Attorney's (Firm Name, Address, and Telephone Number) MA		Attorneys (If Known) UNKNOWN	

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)			
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input checked="" type="checkbox"/> 1 Citizen of This State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4 PTF	<input type="checkbox"/> 4 DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 PTF	<input type="checkbox"/> 5 DEF
		<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6 PTF	<input type="checkbox"/> 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes			

V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened
<input type="checkbox"/> Transferred from 5 another district (specify)		<input type="checkbox"/> 6 Multidistrict Litigation	
<input type="checkbox"/> Appeal to District		<input type="checkbox"/> 7 Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): AMBASS SS 2218, ET AL Brief description of cause: WILLFUL FLOODING AND HARASSMENT
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ 350,226.00	<input type="checkbox"/> CHECK YES only if demanded in complaint.
VIII. RELATED CASE(S) IF ANY		PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". MA	

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)	<input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND	<input type="checkbox"/> SAN JOSE
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DATE 2/4/08	SIGNATURE OF ATTORNEY OF RECORD Edgar Perry, IN PROPRIA PERSONA
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